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19 **UNITED STATES DISTRICT COURT**
 20 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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HUBB SYSTEMS, LLC,)	Case No. C07-02677 BZ
Plaintiff,)	
v.)	NOTICE OF PENDENCY OF OTHER ACTION OR PROCEEDING
MICRODATA GIS, INC.,)	[Civ. L. R. 3-13]
Defendant.)	Date: August 1, 2007
)	Time: 10:00 a.m.
)	Courtroom: G
)	Magistrate Judge Bernard Zimmerman
)	

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23 TO THE HONORABLE BERNARD ZIMMERMAN, PLAINTIFF HUBB SYSTEMS, LLC,
 24 AND ITS ATTORNEYS OF RECORD HEREIN:

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26 PLEASE TAKE NOTICE that the action filed in this District involves all of the same
 27 subject matter and all of the same parties as another action which is pending in United States
 28 District Court, District of Vermont, Case No. 2:07-CV-108, filed on May 10, 2007, *microDATA
 GIS, Inc. v. Hubb Systems, LLC.*

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The other action filed by defendant microDATA GIS (“microDATA”) in the District of

1 Vermont seeks a declaration by the Court that microDATA is not infringing Hubb Systems, LLC's
2 trademark and related rights, and also that microDATA has superior rights to use its mark. After
3 receiving letters from Hubb Systems, LLC ("Hubb") in January and April of 2007 threatening
4 microDATA with filing a lawsuit for trademark infringement, microDATA filed a complaint in the
5 District of Vermont seeking declaratory relief. microDATA filed its Complaint in Vermont, and
6 notified Hubb of the lawsuit, eleven (11) days before Hubb filed the instant action in this Court.
7 There can also be no doubt that Hubb filed the instant action in reaction to microDATA's earlier
8 filing and in an attempt to change the forum for this dispute.

9 Although the other action is pending in another District, microDATA does not believe that
10 transfer is appropriate pursuant to 28 U.S.C. § 1407. Rather, it is microDATA's belief that the
11 action in this Court should be dismissed, and has filed a motion with this Court to dismiss the
12 instant action. It is also important to note that although Hubb was well aware of the lawsuit in the
13 District of Vermont, it failed to file a Notice of Pendency of Other Action or Proceeding with the
14 Court, contrary to the requirements of Civil L.R. 3-13(a).

15 Dated: June 11, 2007

TERRA LAW LLP

By: /s/ Breck E. Milde
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